

**CARTER LEDYARD & MILBURN LLP**  
*Counselors at Law*

**William H. Sloane**  
*Partner*

*Direct Dial: 212-238-8623*  
*E-mail: sloane@clm.com*

*2 Wall Street*  
*New York, NY 10005-2072*

*Tel (212) 732-3200*  
*Fax (212) 732-3232*

*701 8th Street, N.W., Suite 410*  
*Washington, DC 20001-3893*  
*(202) 898-1515*

*570 Lexington Avenue*  
*New York, NY 10022-6856*  
*(212) 371-2720*

September 11, 2009

**VIA HAND DELIVERY**

Honorable Deborah A. Batts  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2510  
New York, New York 10007

Re: *Gilbert v. Indiana,*  
Case No. 09-CV-6352

Dear Judge Batts:

We represent Defendant Robert Indiana ("Defendant") in the above-referenced action.

We are writing to you pursuant to the Court's Individual Practice I.E to request an adjournment of Defendant's time to answer or otherwise respond to the complaint up to and including October 12, 2009. The deadline to respond would otherwise be September 15, 2009. This is the first request for an adjournment. Plaintiff's counsel consents to this request.

Accordingly, we respectfully request an adjournment of Defendant's time to answer or otherwise respond to the complaint up to and including October 12, 2009.

Respectfully submitted,

*William H. Sloane*

William H. Sloane

cc: Dariush Keyhani, Esq. (via email and facsimile)

6505325.1

